

**UNITED STATES U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ERIKA LEE,

Plaintiff,

v.

DELTA AIR LINES, INC., DAVID NEEDHAM
& JOSE ROSADO,

Defendants.

Civil Action No. 1:22-cv-8618-DEH-RWL

EXHIBIT C

TO

DELTA'S LETTER

DATED

APRIL 7, 2025

Fleming, Michael F.

From: Erika Lee <leerikalatise@gmail.com>
Sent: Sunday, April 6, 2025 7:12 PM
To: Fleming, Michael F.
Subject: Re: Lee v. Delta - Second production of documents

[EXTERNAL EMAIL]

Mr. Fleming,

I consent to April 29.

On Friday, April 4, 2025, Fleming, Michael F. <michael.fleming@morganlewis.com> wrote:

Ms. Lee,

Delta intends to move the Court for an order that you be deposed on either April 23, 28, 29, or May 1. If you will consent to any of those dates, please let us know so that we can include your position in our submission to the Court. If you do not consent, please provide an explanation as to why so that we can include that in our submission to the Court, as well. Please also provide the requested email and documentation about your medical appointment by 5 p.m. today, as requested. Thank you.

Michael F. Fleming

Morgan, Lewis & Bockius LLP

[101 Park Avenue | New York, NY 10178-0060](#)

Direct: +1.212.309.6207 | Main: +1.212.309.6000 | Fax: +1.212.309.6001

michael.fleming@morganlewis.com | www.morganlewis.com



From: Erika Lee <leerikalatise@gmail.com>
Sent: Friday, April 4, 2025 2:08 PM
To: Fleming, Michael F. <michael.fleming@morganlewis.com>
Subject: Re: Lee v. Delta - Second production of documents

[EXTERNAL EMAIL]

Mr. Fleming,

Do you want to schedule my deposition at my time or not ? Please advise by 5pm today. Thank you.

On Friday, April 4, 2025, Fleming, Michael F. <michael.fleming@morganlewis.com> wrote:

Ms. Lee,

In my email to you sent yesterday morning, I advised you that Delta was willing to accommodate your medical appointment by adjusting the start time of today's deposition. I asked you to provide the time and expected duration of that appointment so that we could make that accommodation. I requested that you provide that information to me by 3:00 p.m. yesterday. You did not respond to that email until 2:30 a.m. this morning and failed to provide any of the requested information.

While failing to respond to my email, at 5 p.m. yesterday, you also served a fourth set of Requests for Admission on Delta via email. I note that these RFAs, as well as the second and third sets of RFAs, were served after the deadline set by the Court for service of RFAs and, accordingly, Delta has no obligation to respond to them.

As stated in my email to you of yesterday, Delta intends to seek relief from the Court for your non-compliance with your discovery obligations and failure to appear for your deposition. So that we may make a complete record for the Court, by 5 p.m. today, please provide the email you allegedly received earlier this week from your medical provider regarding the appointment you have represented you have today, as well as documentation from your medical provider that you attended that appointment, the time the appointment was scheduled for, and the actual duration of the appointment.

Michael F. Fleming

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From: Erika Lee <leeerikalatise@gmail.com>
Sent: Friday, April 4, 2025 2:13 AM
To: Fleming, Michael F. <michael.fleming@morganlewis.com>
Subject: Re: Lee v. Delta - Second production of documents

[EXTERNAL EMAIL]

Mr. Fleming ,

I never confirmed I was attending the deposition. This is my first time asking to reschedule. I have a medical reason for not being able to attend and I could provide a doctor's note. I asked you when you wanted to reschedule and you never responded. So therefore , I am waiting for you to give me your availability so we can reschedule. Thanks.

On Thursday, April 3, 2025, Fleming, Michael F. <michael.fleming@morganlewis.com> wrote:

Ms. Lee,

While we understand the need to attend medical appointments, Delta has expended considerable expense in arranging and preparing for your deposition tomorrow, including travel and accommodations for Delta's in-house counsel who plans to attend the deposition. As you are aware, it also was difficult to find a date to schedule this deposition, but it has been scheduled for several weeks now. Further, fact discovery in this case is set to close this month. To that end, we are willing to accommodate your appointment so that we can conduct the deposition tomorrow as scheduled. Please provide us with the time and expected duration of your appointment and we can adjust the deposition times accordingly.

Please be aware that if we do not hear back from you by 3 p.m. ET, we will proceed with the deposition as scheduled at 10 a.m. tomorrow. If you fail to appear, we will seek all appropriate relief from the Court.

Michael F. Fleming

Morgan, Lewis & Bockius LLP

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michael.fleming@morganlewis.com | www.morganlewis.com



From: Erika Lee <leerikalatise@gmail.com>
Sent: Thursday, April 3, 2025 12:28:44 AM
To: Gunn, Imani D. <imani.gunn@morganlewis.com>
Subject: Re: Lee v. Delta - Second production of documents

[EXTERNAL EMAIL]

Hello Ms. Gunn,

Based on a last minute cancellation, I was given a last minute appointment via email other day (but which went into spam and which I just saw) that I got squeezed in for appointment this Friday , which is medically urgent and medically mandatory/imperative for my future invasive surgery. I was on waitlist for long time for this appointment and can not reschedule it. Therefore, I will be unable to attend April 4, 2025. However, I am available April 14, April 15 or April 16, so which date can we reschedule for ? Please advise me which date you can reschedule me for . Thanks.

Sincerely,

Ms. Lee

On Friday, March 28, 2025, Gunn, Imani D. <imani.gunn@morganlewis.com> wrote:

Ms. Lee,

Following up on Mr. Fleming's below email, please confirm your attendance at your deposition scheduled for next Friday, April 4, 2025, starting at 10 a.m.

Thank you,

Imani

From: Fleming, Michael F. <michael.fleming@morganlewis.com>
Sent: Friday, March 21, 2025 3:20:18 PM
To: Erika Lee <leeerikalatise@gmail.com>; Gunn, Imani D. <imani.gunn@morganlewis.com>
Cc: erikallee@hotmail.com <erikallee@hotmail.com>; Rosenstein, Ira G. <ira.rosenstein@morganlewis.com>
Subject: RE: Lee v. Delta - Second production of documents

Ms. Lee,

At your request, we have mailed hard copies of documents bearing Bates Stamp Numbers DELTA_LEE_00000163 through DELTA_LEE_00000309 to you today. We are providing the hard copies to you as a one-time courtesy based on your representation that you are no longer able to access the PDF copies of the documents. Please be aware that the documents have been designated "CONFIDENTIAL" and are subject to the Protective Order issued by the Court.

We also are writing to confirm that we have made arrangements for your deposition on April 4 at our offices located at [101 Park Avenue, New York, NY](#) beginning at 10 a.m. Please plan to arrive at the building by 9:30 to allow sufficient time for you to check-in with the lobby personnel and take the elevator up to our floor.

Michael F. Fleming

Morgan, Lewis & Bockius LLP

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michael.fleming@morganlewis.com | www.morganlewis.com



From: Erika Lee <leerikalatise@gmail.com>

Sent: Sunday, March 16, 2025 6:45 PM

To: Gunn, Imani D. <imani.gunn@morganlewis.com>

Cc: erikaltee@hotmail.com; Fleming, Michael F. <michael.fleming@morganlewis.com>; Rosenstein, Ira G. <ira.rosenstein@morganlewis.com>

Subject: Re: Lee v. Delta - Second production of documents

[EXTERNAL EMAIL]

Hello ,

Can you mail to me this as I'm not able to open this and see any documents ?

On Friday, February 21, 2025, Gunn, Imani D. <imani.gunn@morganlewis.com> wrote:

Morgan Lewis


imani.gunn@morganlewis.com sent you a secure
message

Access message

Ms. Lee,

Attached, please find Delta's second production of documents to supplement its initial production. Please let us know if you have any issues accessing these documents.

Thank you,

 Attachments expire on Mar 23, 2025



1 compressed file

ProdVol002.zip

This message requires that you sign in to access the message and any file attachments.



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